
By: **Prince George's County Delegation**

Introduced and read first time: February 6, 2003

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 11, 2003

CHAPTER_____

1 AN ACT concerning

2 **Prince George's County - Nudity and Sexual Displays Restricted - Alcoholic**
3 **Beverages License Revocation**
4 **PG 313-03**

5 FOR the purpose of requiring the Board of License Commissioners to revoke any
6 alcoholic beverages license in Prince George's County if, after a certain hearing,
7 certain nudity and sexual display restrictions are violated; requiring the Board
8 to grant a certain exemption to certain persons under certain circumstances;
9 and generally relating to nudity, sexual displays, and liquor licenses in Prince
10 George's County.

11 BY repealing and reenacting, with amendments,
12 Article 2B - Alcoholic Beverages
13 Section 10-405
14 Annotated Code of Maryland
15 (2001 Replacement Volume and 2002 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article 2B - Alcoholic Beverages**

19 10-405.

20 (a) The provisions of this section apply only in:

21 (1) Allegany County;

- 1 (2) Anne Arundel County;
- 2 (3) Calvert County;
- 3 (4) Caroline County;
- 4 (5) Carroll County;
- 5 (6) Cecil County;
- 6 (7) Charles County;
- 7 (8) Dorchester County;
- 8 (9) Frederick County;
- 9 (10) Garrett County;
- 10 (11) Harford County;
- 11 (12) Kent County;
- 12 (13) PRINCE GEORGE'S COUNTY;
- 13 [(13)] (14) Queen Anne's County;
- 14 [(14)] (15) St. Mary's County;
- 15 [(15)] (16) Except as provided in subsection (i) of this section, Washington
16 County;
- 17 [(16)] (17) Wicomico County; and
- 18 [(17)] (18) Worcester County.

19 (b) Any license issued under the provisions of this article shall be revoked if,
20 after hearing as provided in § 10-403 of this subtitle, any of the activities listed in
21 this section are found to occur on any premises or location for which the license was
22 issued.

23 (c) With respect to attire and conduct, a person may not:

24 (1) Be employed or used in the sale or service of alcoholic beverages in or
25 upon the licensed premises while the person is unclothed or in attire, costume or
26 clothing so as to expose to view any portion of the female breast below the top of the
27 areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals;

28 (2) Be employed or act as a hostess or act in a similar-type capacity to
29 mingle with the patrons while the hostess or person acting in a similar-type capacity
30 is unclothed or in attire, costume or clothing as described in paragraph (1) of this
31 subsection;

1 (3) Encourage or permit any person on the licensed premises to touch,
2 caress or fondle the breasts, buttocks, anus or genitals of any other person; or

3 (4) Permit any employee or person to wear or use any device or covering
4 exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion
5 of it.

6 (d) With respect to entertainment provided, a person may not:

7 (1) Permit any person to perform acts of or acts which simulate:

8 (i) The act of sexual intercourse, masturbation, sodomy, bestiality,
9 oral copulation, flagellation or any sexual acts which are prohibited by law;

10 (ii) The touching, caressing or fondling of the breast, buttocks, anus
11 or genitals; or

12 (iii) The display of the pubic hair, anus, vulva or genitals;

13 (2) Permit any entertainer whose breasts and/or buttocks are exposed
14 (subject to the restrictions of paragraph (1) of this subsection) to perform closer than
15 six feet from the nearest patron; or

16 (3) Permit any person to use artificial devices or inanimate objects to
17 depict, perform or simulate any activity prohibited by paragraph (1) of this
18 subsection.

19 (e) A person may not exhibit or show any motion picture film, still picture,
20 electronic reproduction or other visual reproduction depicting:

21 (1) Acts or simulated acts of sexual intercourse, masturbation, sodomy,
22 bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;

23 (2) Any person being touched, caressed or fondled on the breast,
24 buttocks, anus or genitals;

25 (3) Scenes where a person displays the vulva or anus or the genitals; or

26 (4) Scenes where artificial devices or inanimate objects are employed to
27 depict, or drawings are employed to portray, any of the prohibited activities described
28 above.

29 (f) A person may not permit any person to remain in or upon the licensed
30 premises who exposes to public view any portion of his genitals or anus.

31 (g) The provisions of this section do not permit any conduct or form of attire
32 prohibited by any other provision of statute, ordinance, rule or regulation.

33 (h) In Cecil County, in addition to the penalty provided in subsection (b) of this
34 section, if any of the activities listed in subsections (c), (d), (e), and (f) of this section
35 are found to occur on the premises for which the license was issued, the holder of the

1 license, or any employee, entertainer, or patron who performs any of the listed
2 activities is guilty of a misdemeanor and shall be fined or imprisoned according to the
3 penalty set forth in § 16-503 of this article.

4 (i) In Washington County, this section does not apply to:

5 (1) The Washington County Playhouse; or

6 (2) A theater holding a Class B beer, wine and liquor on-sale license
7 under § 6-201(w) of this article.

8 (j) (1) This subsection applies only in Caroline County.

9 (2) After a finding that the activities enumerated in this section have
10 occurred, the Board of License Commissioners may decide whether or not to revoke a
11 license, notwithstanding the mandatory provisions of subsection (b) of this section.

12 SECTION 2. AND BE IT FURTHER ENACTED, That the Board of License
13 Commissioners shall exempt from this Act any current alcoholic beverages license
14 holder that currently conducts an activity that is made unlawful by this Act, under
15 the condition that the exemption will expire when the license is sold, transferred,
16 revoked, suspended, or terminated. The exemption under this section does not apply
17 to current license holders that did not receive approval from the Board of License
18 Commissioners to conduct activities made unlawful by this Act.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2003.